

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application; claims 13-20 are newly added.

The applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

The Office action objects to the drawings because reference numeral 5 is not included in FIGs. 2 and 3. The applicant respectfully notes that 37 CFR 1.84(p)(5) only requires that "[r]eference characters mentioned in the description must appear in the drawings"; it does not require that a reference numeral must appear in multiple figures. Reference numeral 5 is included in FIG. 1, and the connections referenced by numeral 5 are hidden from view in FIGs. 2 and 3. However, in the interest of advancing prosecution in this case, the specification is amended herein to delete the references that are objected to in the Office action.

The Office action objects to the Abstract for including the word "said" and the phrase "can be caused to emit". The Abstract is amended herein to replace the word "said" with "the". The applicant respectfully maintains that the phrase "can be caused to emit" is a proper description of the control of the light emitting elements in the applicant's disclosure. However, again in the interest of advancing prosecution in this case, this phrase is amended herein as suggested in the Office action.

The Office action rejects claim 4 under 35 U.S.C. 112, second paragraph, for use of the phrase "close to 180°". The applicant respectfully traverses this rejection because the courts have repeatedly held that words of approximation, such as "close to", are permitted in patent claims:

"While the term "generally parallel," as the district court noted, is mathematically imprecise, we note that words of approximation, such as "generally" and substantially," are descriptive terms "commonly used in patent claims 'to avoid a strict numerical boundary to the specified parameter.'" Ecolab, Inc. v. Envirochem, Inc., 264 F.3d 1358, 1367 (Fed. Cir. 2001) (quoting Pall Corp. v. Micron Separations, Inc., 66 F.3d 1211, 1217

(Fed. Cir. 1995)); see, e.g., Andrew Corp v. Gabriel Elecs. Inc., 847 F.2d 819, 821-22 (Fed. Cir. 1988) (noting that terms such as "approach each other," "**close to**," "substantially equal," and "closely approximate" are ubiquitously used in patent claims and that such usages, when serving reasonably to describe the claimed subject matter to those of skill in the field of the invention and to distinguish the claimed subject matter from the prior art, have been accepted in patent examination and upheld by the courts). And, while ideally, all terms in a disputed claim would be definitively bounded and clear, such is rarely the case in the art of claim drafting. In this case, exact parallelism is sufficient, but not necessary, to meet the limitation of the claim term "generally parallel." (Anchor Wall Sys. v. Rockwood Retaining Walls, Inc., 340 F.3d 1298 (Fed. Cir. 2003) at 1311.

In the interest of advancing prosecution in this case, this phrase has been changed to indicate that the conductors are "generally parallel" to the length of the fiber. The scope of the claim is unchanged, because one of skill in the art will recognize that a slanting turn angle close to 180 degrees is functionally and structurally equivalent to running the conductors generally parallel the length of the fiber.

The Office action rejects claims 1-2 and 5-9 under 35 U.S.C. 102(b) over Roach et al. (USP 6,274,978, hereinafter Roach). The applicant respectfully traverses this rejection.

Roach does not teach a fiber that includes intersecting row and column conductors that run along the length of the fiber, as claimed in each of the applicant's independent claims 1 and 6.

As is clearly illustrated in Roach's FIGs. 2, the row conductors 230 run perpendicular to the length of the fibers 100, and as illustrated in Roach's FIG. 3, each conductor 230 is coupled to a light emitting element 150 that is disposed along the length of each fiber 100. Roach's FIG. 5 also clearly illustrates that the light fibers 100 are placed perpendicular to the row conductors 230.

Claims 1-2 and 5-9 are patentable under 35 U.S.C. 102(b) over Roach at least because, as explained above, Roach does not teach or suggest the fiber recited in each of the applicant's independent claims, having row and column conductors that run along the length of the fiber. Accordingly, withdrawal of this rejection is respectfully requested.

The Office action rejects:

claim 3 under 35 U.S.C. 103(a) over Roach;
claims 10 and 12 under 35 U.S.C. 103(a) over Roach and Kiryuschev et al. (USP 6,697,191, hereinafter Kiryuschev); and
claim 11 under 35 U.S.C. 103(a) over Roach and Topelberg et al. (USPA 2003/0006693). The applicant respectfully traverses these rejections.

Each of these rejected claims is dependent upon independent claim 1 or 6, and in these rejections, the Office action relies upon Roach for teaching the elements of claims 1 and 6. As detailed above, Roach does not teach each of the elements of claims 1 and 6. Accordingly, the withdrawal of the rejections of claims 3 and 10-12 under 35 U.S.C. 103(a) that rely on Roach for these teachings is respectfully requested.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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